

REMARKS

Claims 1-20 are pending in the application.

Claims 1-20 have been rejected.

Claims 1, 14, 15, 17 18 and 19 have been amended, as set forth herein.

I. **REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 2, 4, 5, 7, 8 and 12-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Helfman, et al. (US 6,393,513 B1). The rejection is respectfully traversed.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

With respect to independent Claims 1, 14, 15, 17, 18 and 19, the Office Action asserts that Helfman discloses (1) determining (means for) from the stored message notification information which messages in said messaging system are new and for which a notification has not been cleared (Claims 1, 14, 17, 18 and 19), and (2) a user interface (or presenting) for providing to a user a list of message notifications associated with those messages determined to be new and for which a notification has not been cleared (Claims 1, 14, 15, 17, 18 and 19). See, Office Action, page 2

(citing Helfman, Col. 1, lines 11-17 and 19-23, respectively). Applicant respectfully submits that the cited portions of Helfman recites:

When a user logs onto the server, to use one of the application programs, the e-mail system may examine the queue of e-mail messages held in the user's mailbox. If messages are found stored in the mailbox, the system may notify the user, as by a notice stating, "You have mail." Alternatively, if new messages are found, which the user has not accessed previously, the notice may instead read, "You have NEW mail."

When the user calls for the mail, the system presents a list of the messages stored in the mailbox on the user's display screen, together with selected information about each, such as the identity of the sender, the date and time of dispatch, and so on. (underlining added) Col 1, lines 11-23.

Helfman determines from the email queue whether there are "new" messages - as simply opposed to any messages in the queue. As such, Helfman's determination is limited to determining whether the messages in the queue are "new" - with "new" defined as those messages "which the user has not accessed previously". Col. 1, lines 16-18. Absent is any inquiry into "message notification information" to determine those messages that are (1) new and (2) for which a notification has not been cleared. In contrast, Applicant's claims recite determining from the stored message status information which messages in said messaging system are both (1) new and (2) for which a notification has not been cleared. Therefore, Helfman fails to disclose this element/feature.

Moreover, though Helfman does present to the user a list of the messages stored in the mailbox, the list of messages is a list of messages stored in the mailbox (i.e., all messages). Helfman fails to identify or delineate that a subgroup all the messages stored is presented - and clearly does not disclose a list of message notifications associated with only those messages determined to be new and for which a notification has not been cleared.

In addition, Helfman fails to disclose means permitting a user to select a particular notification from said list for manipulation. (Claims 1, 14, 15, 17, 18 and 19). The cited portion of Helfman recites that “when a user selects a message from the list, the system erases the list from the screen, and displays the selected message instead.” Col. 1, lines 23-25. There is no description of selecting a particular notification and manipulating the notification.

In order to further prosecution in this case, independent Claims 1, 14 15, 17, 18 and 19 have been amended to recite a user interface for providing (or presenting) to a user a list of message notifications associated with only those messages determined to be new and for which a notification has not been cleared.

Helfman does not disclose means for determining (from stored message status information) which messages are both new and for which a notification has not been cleared, and a user interface for providing (or presenting) a list of message notifications associated with only those messages that were determined to be both new and for which a notification has not been cleared.

For all the foregoing reasons, Applicant respectfully submits that Helfman fails to identically disclose each and every element/feature of Applicant’s claimed invention, arranged as they are in independent Claims 1, 14, 15, 17, 18 and 19 (and their dependent Claims).

Accordingly, the Applicant respectfully requests the Examiner withdraw the § 102(e) rejection of Claims 1, 2, 4, 5, 7, 8 and 12-20.

II. REJECTION UNDER 35 U.S.C. § 103

Claims 3, 6 and 9-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Helfman, et al. (US 6,393,513 B1) in view of Sylvan, et al. (US 5,943,055). The rejection is respectfully traversed.

Claims 3, 6 and 9-11 depend directly or indirectly from independent Claim 1. As described above, Helfman fails to describe all the elements/features recited in independent Claim 1. Moreover, as set forth in Applicant's prior response, Sylvan similarly fails to describe these elements/features. Therefore, Applicant respectfully submits that none of the references, either alone or in combination, disclose, teach or suggest the Applicant's invention as recited in Claims 3, 6 and 9-11.

Accordingly, the Applicant respectfully requests withdrawal of the § 103(a) rejections of Claims 3, 6 and 9-11.

III. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

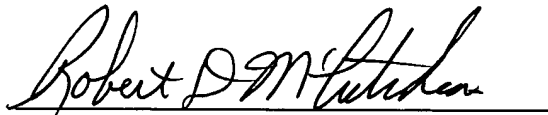
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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